IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 10468 of 2004

Between:
M. Muralidhar, S/o. late China Venkaiah,
Hindu, aged 40 years, Occ: Agriculture,
R/o. Himayatnagar (v), Moinabad (M),
R.R. District.

..... PETITIONER

AND

1. The Commissioner of Police,
   Cyberabad Commissionerate,
   R.R. District.
2. The Secretary, Himayatnagar,
   Grampanchayat, Moinabad Mandal,
   R.R. District.
3. The Station House Officer,
   Moinabad P.S.
   Moinabad, R.R. District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any Writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents 2 and 3 in interfering with the peaceful possession of petitioners and enjoyment of House No.4-65, with its court yard with enclosed wall and gate by forcing me to remove the same and to make it as thoroughfare as illegal, arbitrary and unconstitutional and against the principles of law and consequently direct the Respondents not to interfere with the Civil rights in enjoyment of the petitioner in regard to H.NO.4-65 in the court yard enclosed with wall and gate.

For the Petitioner: Mr.M.JANARDHAN RAO, Advocate

For the Respondents: The Government Pleader for Home

The Court at the stage of admission made the following ORDER:

This writ petition is filed by the petitioner aggrieved by the action of respondents 2 and 3 in interfering with the peaceful possession and enjoyment of H.No.4-65 with its courtyard with enclosed wall and gate of the petitioner by forcing him to remove the same and make it as thoroughfare as illegal, arbitrary and unconstitutional.

2. According to the petitioner, he is the owner of the above premises. But, without taking any legal action, respondents 2 and 3 are orally instructing the petitioner to remove the compound wall and gate to make the thoroughfare, which action of the respondents is illegal and without jurisdiction. It is also stated that when third parties tried to interfere with the petitioner's possession, the petitioner filed O.S.No.52 of 2004 on the file of the Junior Civil Judge, Chevella, R.R. District, which is pending. Therefore, the petitioner sought for a direction to the respondents not to interfere with the civil dispute as, admittedly, third respondent, who is a Station House Officer, has no jurisdiction to interfere with such rights.

3. Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

4. The grievance of the petitioner is that, third respondent, who is a Station House Officer, at the instance of second respondent, is interfering with the petitioner's peaceful possession and enjoyment of the house referred to above. According to the petitioner, he is the owner of the above premises and has been in possession and enjoyment since long time. Therefore, respondents 2 and 3 have no right to interfere with the petitioner's property more so by oral instructions.

5. Under the above circumstances, the writ petition is disposed of at

the admission stage, directing respondents 2 and 3 not to interfere with the peaceful possession and enjoyment of H.No.4-65 of the petitioner. If the second respondent proposed to take any action on the premise that there is any encroachment, this order does not preclude him from taking any legal action. But, at the same time, he is not entitled to take any action without any orders of the Court.

24.06.2004

Note: Furnish C.C by tomorrow
B/o.
Va

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Commissioner of Police,
   Cyberabad Commissionerate,
   R.R. District.
2. The Secretary, Himayatnagar,
   Grampanchayat, Moinabad Mandal,
   R.R. District.
3. The Station House Officer,
   Moinabad P.S.
   Moinabad, R.R. District.
4. 2 CCs to G.P. for Home, High Court Buildings,
   Hyderabad (OUT)
5. 2 C.D copies